

### **REMARKS**

The present remarks are submitted in response to an office action mailed January 18, 2008. The application consists of claims 1-66 of which claims 45-66 are withdrawn. No amendments to the claims are filed with this response.

#### **Drawings**

Applicants amended the drawings as described below and will submit them under separate cover within a few days of the filing of the response.

The drawings stand objected to as failing to comply with 37 CFR 1.84(p)(4) because the reference character 1100 in Fig. 11 has been used to designate both the overall structure and an IFSET. Fig. 11 is amended to remove reference character 1100 representing an IFSET in order to overcome the rejection.

The drawings stand further objected to under 37 CFR 1.83(a) because they fail to show sensor array, element 1900. Applicants have amended Fig. 19 to include reference character 1900 representing a sensor array as described in the Specification.

The drawings stand further objected to under 37 CFR 1.84(p)(5) because they include reference characters not mentioned in the description. Figs. 11 and 15 are amended herewith to remove the reference characters indicated by the Examiner.

It is believed that all the objections to the drawings are overcome by the amended drawings.

#### **Specification**

The Examiner indicated that the title of the application is not descriptive. Applicants have amended the title to the title suggested by the Examiner.

#### **Claim rejections 102 & 103**

Claims 1, 2, 4-30, 33-36, 41, 42 and 44 stand rejected under 35 U.S.C. 102(a) or in the alternative 102(b) as anticipated by Morgenshtein, Master of Science Thesis

in Bio-Medical Engineering, at the Technion-Israel Institute of Technology, Israel, April 2003.

Claim 31 and 32 stand rejected under 35 U.S.C. 103(a) as obvious over Morgenshtein.

Claim 3 stand rejected under 35 U.S.C. 103(a) as obvious over Morgenshtein in view of Hiramoto et al (US 4,444,644).

Claims 37-40 stand rejected under 35 U.S.C. 103(a) as obvious over Morgenshtein in view of Indermuhle et al (US 6,794,197) and Sawada et al (Transducers, 2003 12th Annual Conference on Solid-State Sensors, Actuators, and Microsystems, Pg. 1023-1026).

Claim 43 stands rejected under 35 U.S.C. 103(a) as obvious over Morgenshtein in view of Tsuboshima (US 4,332,658).

The claims stand all rejected in view of Morgenshtein. The following is quoted from 35 USC 102(d):

"A person shall be entitled to a patent unless

...

(d)the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States" (emphasis added)

Applicants respectfully traverse the rejection and submit that Morgenshtein was published by Arakadiy Morgenshtein who is an inventor in the present application, less than one year before the filing of the present application. Accordingly, the publication is within the grace period specified by 35 USC 102(d) and cannot be considered prior art to the present application.

As evidence thereof, applicants file a declaration under 37 CFR 1.132 by Arkadiy Morgenshtein declaring that the Research Thesis was first published on April

27, 2003. The present application benefits a priority date of April 16, 2004 and the Research Thesis was published less than twelve month before the filing of the application as required by 35 USC 102(d).

Applicants further indicate that the application mentions two additional inventors besides Morgenshtein, namely Uri Dinnar and Yael Nemrovsky, who supervised the Research Thesis as is indicated on the second page of the Thesis.

In view of the duty to disclose information specified by 37 CFR 1.56, applicants point out that A. Morgenshtein presented a lecture regarding his Thesis before the publication thereof, on March 2, 2003. A presentation conducted by Morgenshtein in the lecture will be submitted by Applicants under separate cover within a few days of the filing of the response in a Supplemental Information Disclosure Statement for review and consideration by the Examiner. It is noted that no papers were distributed in the lecture and the presentation does not constitute a printed publication under 35 USC 102(b), see MPEP 2128.01 II.

### **Conclusion**

Since all the rejections have been overcome, the claims are now deemed patentable. A notice thereof is respectfully awaited.

Respectfully submitted,



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Encl.

Declaration Under 37 CFR 1.132 together with Annex A